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TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631

EXAMINER
WILSON, ROBERT W

ART UNIT	PAPER NUMBER
2475	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/473,726	BRADD ET AL.
	Examiner	Art Unit	
	ROBERT W. WILSON	2475	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 May 2010</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-19</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. <u>8/26/09</u>.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

2.   Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Referring to claim 1, what is meant by a computer comprising a gateway address translator?
Does the computer perform the processing that does the gateway address translation or does the
computer store the program? What is meant by "proxies for said first and second gateways
respectively"?   Is applicant referring to a proxy address?

Referring to claim 9, what is meant by "gateway proxies, one for each of said first and second
gateway"?   Is applicant referring to a proxy address?

Referring to claim 10, claim 10 is unclear because the independent claim is directed to a
communication network arrangement. Now applicant is claiming a gateway address translator
comprising software. The relationship between the communication network arrangement,
software, and gateway is unclear. The examiner recommends that the applicant amend the claim
to "the communications network arrangement as claimed in claim 7 comprising: a non-transitory
machine readable storage medium which stores software executable by a computer which
performs said gateway address translation

Referring to claim 11, claim 11 is indefinite because the independent claim is directed to a
communication network arrangement and now the preamble is directed to a gateway address
translator. The relationship between the communication network, gateway address translator and
first and second media gateway controller is unclear. This claim should be rewritten in an
independent claim if the applicant desires to change the invention from "the communications
network arrangement as well as clarify the relationship between the gateway translator and the
limitations dependent and independent claims.

Referring to claim 12, what is meant by "respective first and second operating protocol"? Is
applicant referring to "said first protocol" and "said second protocol"?

Referring to claim 13 what is meant by "proxies of said media gateways" and "with
corresponding address of the proxies"?   Is applicant trying to say that media gateway controller
are provisioned with proxy addresses assigned to the media gateways instead of the actual
address of the media gateways?

Referring to claim 14, what is meant by "corresponding addresses of the proxies rather than corresponding address of gateways" Is applicant trying to say that media gateway controller are provisioned with proxy addresses assigned to the media gateways instead of the actual address of the media gateways? What is meant by "the gateways"? Are "the gateways" the same as media gateway or media gateway controllers?

Referring to claim 18, what is meant by "instead of an address of the first gateway and wherein the second media gateway controller is provisioned with an address of another one of the proxies instead of an address of the second gateway"? This claim is indefinite because the meaning of "another one of the proxies" is totally not understandable.

Referring to claim 19, what is meant by "address of another of one of the proxies instead of an address of the second gateway"?

Claim Objections

3.   Claims 2-8, & 19 are objected to because of the following informalities:

Referring to claims 2-8, the examiner objects to the usage of "A communication network arrangement" in the preamble of the claims when the applicant really means The communication network arrangement". Appropriate correction is required.

Referring to claim 19, the examiner objects to the usage of "machine readable storage medium" because it is inconsistent with the independent claim. The examiner recommends using "The non-transitory machine readable storage medium". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4,   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (U.S. Patent

No.: 6,674,713) in view of Kamarczyk (U.S. Patent No.: 6,950,441)

Referring to claim 13, Berg teaches: a method of interfacing media gateway controller and media gateways having different operating protocol in a communication network arrangement (Figure

1A shows a MGC interfacing with a MG where the local address for interfacing is stored in a memory in both the MG and the MGC per col. 6 lines 30 to 39) providing voice over IP or voice over ATM services (VoIP or ATM per col. 5 line 59 to 67) the method comprising:

Creating in a computer an address associated with the media gateway (The media gateway controller is a computer which has an address for the media gateway per col. 6 line 30 to 39)

Using the address to communicate with the respective one of media gateway controller utilizing respective one of different operating protocols (The MGC or computer utilizes local address used per col. 6 line 30 -39 while utilizing a respective operating protocol (protocol per col. 6 lines 1 to 10) where the MGC are provisioned with corresponding address of MG (local address per col. 6 line 29 to 39. The single media gateway controller can be divided into one or more media gateway controller and each media gateway controller can perform protocol translation per col. 4 lines 60-col. 5 line 20. Clearly if protocol translation is performed one protocol is on one side and is translated to another protocol on the other side or two different protocols)

Berg does not expressly call for: creating software proxies or provisioning of software proxy

Kacmarczyk teaches: creating software proxies (Gateway is implemented in softwitch or software which allows one address to represent a plurality of devices per col. 4 lines 5 to 48) and provisioning software address of the proxies (Gateway is implemented in software which allows one address to represent a plurality of devices per col. 4 lines 5 to 48)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the creating software proxies or provisioning of software proxy of Kacmarczyk in place of provisioning address of Berg in order to build a system in which the proxying function is implemented in software so it can be easily updated and changed to incorporate network changes.

7.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (U.S. Patent

No.: 6,680,952) in view of Tran (U.S. Patent No.: 6,667,968)

Referring to claim 14, Berg teaches: a communication network arrangement (The combination of 110, 140, 120, 142 150, & 130 per Fig 1 or communication network arrangement) of providing voice over IP or voice over ATM services (Media Gateway converts PCM over trunk into IP and ATM per col. 4 lines 30-37 the network arrangement (Fig 1) comprising: a plurality of media gateways and computer comprising respective media gateway controller (110 and 150 are performed by inherent processor per Fig 1 are a plurality of media gateways and 120 per Fig 1 can be implemented as multiple media gateway controllers per col. 5 lines 1-20) wherein the media gateway controllers have different operating protocol (The media gateway controller is implemented as a protocol converter with at least two protocols per col. 6 line 53 to 67 or different protocol) and wherein communication between said media gateways and media gateway controllers are relayed whereby each pair of said media gateway and media gateway

controller send and receive communication using one of the different operating protocols (communication between 110 and 150 per Fig 1 or media gateways is relayed through the media gateway controllers 120 per Fig 1 and the media gateway controller have a protocol converter or different operating protocols) and the media gateway controller are provisioned with corresponding address (120 per Fig 1 use inherent addresses)

Berg does not expressly call: proxy addresses rather than corresponding addresses

Tran teaches: proxy addresses rather than corresponding addresses (address translation for a plurality of end points per col. 6 lines 10 to 34.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add proxy addresses rather than corresponding addresses of Tran into the media gateways of Berg in order for the gateway to have a single interface and thereby forwarded data and signaling from the respective media gateway and media gateway controller.

Specification

8.   examiner objects to the specification because the specification does not clearly explain

what explain what proxies for gateways really means, what creating in a computer proxies of

said media gateways, what controller provisioned with corresponding address of the proxies

rather that the corresponding address of said media gateways really means, provisioning with

corresponding addresses of the proxies rather that the corresponding address of media gateways

really means, corresponding address of proxies rather that corresponding address of the

gateways really means in order for one of ordinary skill in the art to understand what processing

is being performed. One of ordinary skill in the art understands proxying to be replacing address

with another address which is called a proxy address. The examiner respects applicant right to

be their own lexicographer; however, applicant's must define the meaning of the limitations in

the specification in order for the claim limitations to be understandable or comprehensible.

        Applicant is required to submit an amendment which clarifies the disclosure so that the

examiner may make a proper comparison of the invention with the prior art.

        Applicant should be careful not to introduce any new matter into the disclosure (i.e.,

matter which is not supported by the disclosure as originally filed).

Response to Amendment

9.   Applicant's arguments with respect to claims 1-19 have been considered but are moot in

view of the new ground(s) of rejection.

Additionally the following explanation is provided.

The examiner respectfully disagrees with the applicant's argument that the combination of
reference does not teach: creating in a computer proxies of said media gateway a and said
proxies in the computer communicating with respective one of said media gateway controller
utilizing respective ones of different operating protocol wherein the media gateway controller are
provisioned with corresponding address of the proxies rather than corresponding address of said
media gateways.

Berg teaches: a method of interfacing media gateway controller and media gateways having
different operating protocol in a communication network arrangement (Figure 1A shows a MGC
interfacing with a MG where the local address for interfacing is stored in a memory in both the
MG and the MGC per col. 6 lines 30 to 39) providing voice over IP or voice over ATM services
(VoIP or ATM per col. 5 line 59 to 67) the method comprising:

Creating in a computer an address associated with the media gateway (The media gateway
controller is a computer which has an address for the media gateway per col. 6 line 30 to 39)

Using the address to communicate with the respective one of media gateway controller utilizing
respective one of different operating protocols (The MGC or computer utilizes local address used
per col. 6 line 30 -39 while utilizing a respective operating protocol (protocol per col. 6 lines 1 to
10) where the MGC are provisioned with corresponding address of MG (local address per col. 6
line 29 to 39. The single media gateway controller can be divided into one or more media
gateway controller and each media gateway controller can perform protocol translation per col. 4
lines 60-col. 5 line 20. Clearly if protocol translation is performed one protocol is on one side
and is translated to another protocol on the other side or two different protocols)

Berg does not expressly call for: creating software proxies or provisioning of software proxy

Kacmarczyk teaches: creating software proxies (Gateway is implemented in softwitch or
software which allows one address to represent a plurality of devices per col. 4 lines 5 to 48) and
provisioning software address of the proxies (Gateway is implemented in software which allows
one address to represent a plurality of devices per col. 4 lines 5 to 48)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the creating software proxies or provisioning of software proxy of Kacmarczyk in place of provisioning address of Berg in order to build a system in which the proxying function is implemented in software so it can be easily updated and changed to incorporate network changes.

The examiner respectfully disagrees with the applicant's argument that the combination of reference does not teach: a communication network of providing voice over IP or voice over ATM services comprising: a plurality of media gateways and computer comprising respective media gateway controller; wherein said gateway controllers have different operating protocol and wherein communication between said media gateways and media gateway controllers are relayed whereby each pair of said media gateway and media gateway controller send and receive communication using one of the different operating protocols and wherein the media gateway controller are provisioned with corresponding address of the proxies rather than corresponding address of the gateways.

Berg teaches: a communication network arrangement (The combination of 110, 140, 120, 142 150, & 130 per Fig 1 or communication network arrangement) of providing voice over IP or voice over ATM services (Media Gateway converts PCM over trunk into IP or ATM per col. 4 lines 30-37 the network arrangement (Fig 1) comprising: a plurality of media gateways and computer comprising respective media gateway controller (110 and 150 are performed by inherent processor per Fig 1 are a plurality of media gateways and 120 per Fig 1 can be implemented as multiple media gateway controllers per col. 5 lines 1-20) wherein the media gateway controllers have different operating protocol (The media gateway controller is implemented as a protocol converter with at least two protocols per col. 6 line 53 to 67 or different protocol) and wherein communication between said media gateways and media gateway controllers are relayed whereby each pair of said media gateway and media gateway controller send and receive communication using one of the different operating protocols (communication between 110 and 150 per Fig 1 or media gateways is relayed through the media gateway controller 120 per Fig 1 and the media gateway controller have a protocol converter or different operating protocols) and the media gateway controller are provisioned with corresponding address (120 per Fig 1 use inherent addresses)

Berg does not expressly call: proxy addresses rather than corresponding addresses

Tran teaches: proxy addresses rather than corresponding addresses (address translation for a plurality of end points per col. 6 lines 10 to 34.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add proxy addresses rather than corresponding addresses of Tran into the media gateways of Berg in order for the gateway to have a single interface and thereby forwarded data and signaling from the respective media gateway and media gateway controller.

Conclusion

10.   y inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571/272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert W Wilson/
Primary Examiner, Art Unit 2475

RWW
7/23/10